

**ENTERED**

June 14, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

UNITED STATES OF AMERICA,

VS.

JUAN MONTALVO, *et al*,

Defendants.

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CIVIL ACTION NO. 7:08-CV-177

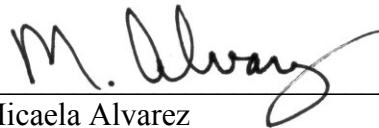
**ORDER**

Pending before the Court is the “Unopposed Motion to Dismiss First National Bank of Rio Grande City” filed by the United States of America (“United States”).<sup>1</sup> The United States requests to dismiss First National Bank of Rio Grande City (“First National”) as unnecessarily joined.

First National was named as an interested party because it was the holder of a Deed of Trust executed as to the Subject Property,<sup>2</sup> but the United States now provides documentation that First National Bank no longer has any interest in the Subject Property.<sup>3</sup> Under Federal Rule of Civil Procedure 71.1(i)(2), “[t]he court may at any time dismiss a defendant who was unnecessarily or improperly joined.” Accordingly, all claims against First National are **DISMISSED WITHOUT PREJUDICE**.<sup>4</sup> Further, the Clerk shall terminate First National Bank of Rio Grande City as a defendant in this case.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 14th day of June, 2019.




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Micaela Alvarez  
United States District Judge

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<sup>1</sup> Dkt. No. 61.

<sup>2</sup> Dkt. No. 23-1 p. 61; *see also* Dkt. No. 61-1 (Deed of Trust).

<sup>3</sup> *See* Dkt. No. 61-2 (Notice of merger of First National Bank with Wells Fargo Bank, National Association); Dkt No. 61-3 (Release of Lien by Wells Fargo Bank, National Association regarding the Deed of Trust at issue here).

<sup>4</sup> *See* Fed. R. Civ. P. 71.1(i)(3).